

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NICHOLAS GREGORY ZURFLUH,

CASE NO. C24-5285 BHS

Plaintiff,

ORDER

V.

TOYOTA FINANCIAL SERVICES,

Defendant.

13 THIS MATTER is before the Court following its Order to Show Cause, Dkt. 15.

14 The Court ordered pro se plaintiff Nicholas Gregory Zurfluh to show cause why this
15 matter should not be dismissed with prejudice for failure to state a plausible claim.

16 Zurfluh sued Toyota Financial Services for rescission of his purchase of a Toyota Camry
17 under 15 U.S.C § 1635. Dkt. 1. He asserts that he is entitled to keep the Camry without
18 paying for it. Dkt. 14 at 1.

19 The Court explained in two Orders that by its express terms, 15 U.S.C. § 1635(a)'s
20 right of rescission applies to consumer credit transactions secured by the borrower's
21 "principal dwelling," not to the purchase of a car. Dkts. 10 and 15. Zurfluh's response to

1 the Court's Order to Show Cause asserts that "my car is an extension of my dwelling."
2 Dkt. 16 at 1.

3 Zurfluh cites no authority for the proposition that § 1635(a) applies to the purchase
4 of automobiles that are alleged to be "an extension of" the purchaser's dwelling, and
5 there is none. Zurfluh has failed to state a plausible claim for rescission. This matter is
6 **DISMISSED** with prejudice and without leave to amend.

7 The Clerk shall enter a **JUDGMENT** and close the case.

8 Dated this 10th day of October, 2024.

9
10 
11

BENJAMIN H. SETTLE
12 United States District Judge
13
14
15
16
17
18
19
20
21
22